

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
GUOLONG LI,
Defendant.

NO. CR20-171 JCC

PLEA AGREEMENT

The United States of America, by and through Nicholas W. Brown, United States Attorney for the Western District of Washington, and Nicholas Manheim, Assistant United States Attorney for said District, Defendant Guolong Li, and Defendant's attorney, Thomas Coe, enter into the following Agreement, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B).

1. **The Charges.** Defendant, having been advised of the right to have this matter tried before a jury, agrees to waive that right and enters a plea of guilty to the following charge contained in the Superseding Indictment.

- Conspiracy to Manufacture and Distribute Marihuana, a lesser included offense of the offense charged in Count 1, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 846.

1 By entering this plea of guilty, Defendant hereby waives all objections to the form
2 of the charging document. Defendant further understands that before entering any guilty
3 plea, Defendant will be placed under oath. Any statement given by Defendant under oath
4 may be used by the United States in a prosecution for perjury or false statement.

5 **2. Elements of the Offenses.** The elements of the offense to which
6 Defendant is pleading guilty are as follows:

7 a. The elements of Conspiracy to Manufacture and Distribute
8 Marihuana, a lesser included offense of the offense charged in Count 1, are as
9 follows:

- 10 • There was an agreement between two or more persons to manufacture
11 and/or distribute a controlled substance, to wit marihuana;¹ and
- 12 • The defendant joined in the agreement knowing of its purpose and
13 intending to help accomplish that purpose.

14 **3. The Penalties.** Defendant understands that the statutory penalties
15 applicable to the offenses to which Defendant is pleading guilty are as follows:

16 a. For the offense of Conspiracy to Manufacture and Distribute
17 Marihuana, the lesser included offense of Count 1: A maximum term of
18 imprisonment of up to 20 years, a fine of up to \$1,000,000, a period of supervision
19 following release from prison of at least 3 years and up to life, and a mandatory
20 special assessment of \$100 dollars. If a probationary sentence is imposed, the
21 probation period can be for up to five (5) years.

22 Defendant understands that supervised release is a period of time following
23 imprisonment during which Defendant will be subject to certain restrictive conditions and
24 requirements. Defendant further understands that, if supervised release is imposed and
25 Defendant violates one or more of the conditions or requirements, Defendant could be
26

27 ¹ The elements of the crime of manufacturing and distributing marihuana are as follows: (1) a person knowingly
28 manufactured or distributed a controlled substance, and (2) the person knew that it was marihuana or some other
federally controlled substance.

1 returned to prison for all or part of the term of supervised release that was originally
2 imposed. This could result in Defendant serving a total term of imprisonment greater
3 than the statutory maximum stated above.

4 Defendant understands that as a part of any sentence, in addition to any term of
5 imprisonment and/or fine that is imposed, the Court may order Defendant to pay
6 restitution to any victim of the offense, as required by law.

7 Defendant further understands that the consequences of pleading guilty may
8 include the forfeiture of certain property, either as a part of the sentence imposed by the
9 Court, or as a result of civil judicial or administrative process.

10 Defendant agrees that any monetary penalty the Court imposes, including the
11 special assessment, fine, costs, or restitution, is due and payable immediately and further
12 agrees to submit a completed Financial Statement of Debtor form as requested by the
13 United States Attorney's Office.

14 Defendant understands that, if pleading guilty to a felony drug offense, Defendant
15 will become ineligible for certain food stamp and Social Security benefits as directed by
16 Title 21, United States Code, Section 862a.

17 **4. Immigration Consequences.** Defendant recognizes that pleading guilty
18 may have consequences with respect to Defendant's immigration status if Defendant is
19 not a citizen of the United States. Under federal law, a broad range of crimes are grounds
20 for removal, and some offenses make removal from the United States presumptively
21 mandatory. Removal and other immigration consequences are the subject of a separate
22 proceeding, and Defendant understands that no one, including Defendant's attorney and
23 the Court, can predict with certainty the effect of a guilty plea on immigration status.
24 Defendant nevertheless affirms that Defendant wants to plead guilty regardless of any
25 immigration consequences that Defendant's guilty pleas may entail, even if the
26 consequence is Defendant's mandatory removal from the United States.

27 **5. Rights Waived by Pleading Guilty.** Defendant understands that by
28 pleading guilty, Defendant knowingly and voluntarily waives the following rights:

- 1 a. The right to plead not guilty and to persist in a plea of not guilty;
2 b. The right to a speedy and public trial before a jury of Defendant's
3 peers;
4 c. The right to the effective assistance of counsel at trial, including, if
5 Defendant could not afford an attorney, the right to have the Court appoint one for
6 Defendant;
7 d. The right to be presumed innocent until guilt has been established
8 beyond a reasonable doubt at trial;
9 e. The right to confront and cross-examine witnesses against Defendant
10 at trial;
11 f. The right to compel or subpoena witnesses to appear on Defendant's
12 behalf at trial;
13 g. The right to testify or to remain silent at trial, at which trial such
14 silence could not be used against Defendant; and

15 h. The right to appeal a finding of guilt or any pretrial rulings.
16 **6. United States Sentencing Guidelines.** Defendant understands and
17 acknowledges that the Court must consider the sentencing range calculated under the
18 United States Sentencing Guidelines and possible departures under the Sentencing
19 Guidelines together with the other factors set forth in Title 18, United States Code,
20 Section 3553(a), including: (1) the nature and circumstances of the offense(s); (2) the
21 history and characteristics of Defendant; (3) the need for the sentence to reflect the
22 seriousness of the offense(s), to promote respect for the law, and to provide just
23 punishment for the offense(s); (4) the need for the sentence to afford adequate deterrence
24 to criminal conduct; (5) the need for the sentence to protect the public from further
25 crimes of Defendant; (6) the need to provide Defendant with educational and vocational
26 training, medical care, or other correctional treatment in the most effective manner; (7)
27 the kinds of sentences available; (8) the need to provide restitution to victims; and (9) the
28 need to avoid unwarranted sentence disparity among defendants involved in similar

1 conduct who have similar records. Accordingly, Defendant understands and
2 acknowledges that:

3 a. The Court will determine Defendant's Sentencing Guidelines range
4 at the time of sentencing;

5 b. After consideration of the Sentencing Guidelines and the factors in
6 18 U.S.C. 3553(a), the Court may impose any sentence authorized by law, up to the
7 maximum term authorized by law;

8 c. The Court is not bound by any recommendation regarding the
9 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines
10 range offered by the parties or the United States Probation Department, or by any
11 stipulations or agreements between the parties in this Plea Agreement; and

12 d. Defendant may not withdraw a guilty plea solely because of the
13 sentence imposed by the Court.

14 7. **Ultimate Sentence.** Defendant acknowledges that no one has promised or
15 guaranteed what sentence the Court will impose.

16 8. **Statement of Facts.** The parties agree on the following facts. Defendant
17 admits Defendant is guilty of the charged offenses:

18 a. Defendant admits that he had an agreement with others to
19 manufacture and distribute marihuana, and that he joined in the agreement knowing of its
20 purpose and intending to help accomplish it. Defendant admits that as part of this
21 conspiracy, his co-conspirators manufactured large quantities of marihuana and then
22 packaged them in approximately one-pound heat-sealed plastic bags. They then put the
23 plastic bags into large boxes, which the co-conspirators delivered to legitimate freight
24 companies for shipment around the United States. Defendant picked up the marihuana
25 shipments from shipping companies and redistributed the marihuana, primarily in
26 Chicago, Illinois. Defendant's co-conspirators shipped at least 1,000 kilograms of a
27 mixture or substance containing a detectible amount of marihuana from Washington
28

1 State, Oregon, and California, to Illinois, New Jersey, Pennsylvania, Texas, and
2 elsewhere.

3 b. Starting at least in June 2018, Defendant worked with his co-
4 conspirators to distribute marihuana shipped from other states to Illinois. On June 22,
5 2018, a co-conspirator in Seattle shipped three boxes of marihuana weighing 275 pounds
6 and containing 43.6 kilograms of marihuana, from Seattle to Chicago, Illinois (waybill
7 64126130). On June 22, 2018, Defendant and a co-conspirator drove a vehicle rented by
8 Defendant to pick up the shipment at a shipping company in Chicago, Illinois. The co-
9 conspirator then drove the vehicle to a stash house (“Chicago Stash House 1”) where
10 another co-conspirator (“Co-conspirator 1”) helped him unload the boxes and bring them
11 into the house.

12 c. On July 20, 2018, a co-conspirator in Seattle shipped another two
13 boxes of marihuana weighing 180 pounds and containing 29 kilograms of a mixture or
14 substance containing marihuana, from Seattle to Chicago, Illinois (waybill 760-071380-
15 X). On July 20, 2018, Defendant and a co-conspirator drove to the shipping company in
16 Chicago, Illinois in his BMW and picked up the boxes. The co-conspirator then delivered
17 the boxes to Co-conspirator 1 at Chicago Stash House 1.

18 d. Defendant continued to pick up shipments of marihuana in Chicago,
19 Illinois, that had been sent by his co-conspirators from Washington, Oregon, and
20 California. On December 3, 2018, shipments of marihuana arrived in Chicago, Illinois.
21 The shipments had been sent by co-conspirators in Seattle, Washington (waybill
22 66200138), and San Francisco, California (waybill 66213528). On December 3, 2018,
23 Defendant and a co-conspirator drove Defendant’s BMW to pick up the shipment from
24 California, and they drove it back to Defendant’s house (“Chicago Stash House 2”).
25 Defendant and his co-conspirator then moved large garbage bags of marihuana from the
26 stash house’s garage into the house. That night, investigators searched Chicago Stash
27 House 2 pursuant to a valid and lawful search warrant. Investigators encountered
28 Defendant and one co-conspirator, and found 27.4 kilograms of a mixture or substance

1 containing marihuana and \$18,460 in U.S. currency. Just before starting the search of the
2 residence, two individuals had come to Chicago Stash House 2, purchased black garbage
3 bags filled with marihuana, and driven away. Investigators stopped the car and conducted
4 a valid and lawful search of the vehicle, where they found 10.4 kilograms of a mixture or
5 substance containing marihuana and \$15,500 in U.S. currency. Defendant admits that the
6 drugs seized from his house in Chicago on December 4, 2018, were part of the
7 conspiracy to manufacture and distribute marihuana. He further admits that the money
8 seized during the search was the proceeds of drug trafficking.

9 e. On May 18, 2020, investigators saw Defendant pick up two boxes
10 from a location in Chicago, Illinois. The boxes were placed in Defendant's vehicle, and
11 he drove away with them. Investigators stopped the vehicle and identified Defendant,
12 who was the driver and only occupant of the vehicle. Investigators searched the two
13 boxes and found that they contained approximately 10 pounds (4.5 kilograms) of a
14 mixture or substance containing a detectible amount of marihuana.

15 f. On October 21, 2020, investigators arrested Defendant at his
16 residence where they found 21.7 kilograms of a mixture or substance containing a
17 detectible amount of marihuana.

18 g. Defendant admits that he and his co-conspirators did not have valid
19 licenses from the Washington State Liquor and Cannabis Board or any other
20 governmental agency to manufacture and distribute the marihuana described above, and
21 that the marihuana manufacturing and distribution described above violated the laws of
22 the states where the events occurred.

23 h. Defendant admits that all of the conduct described above was part of
24 the same Conspiracy to Manufacture and Distribute Marihuana and that the conspiracy
25 involved at least 1,000 kg of a mixture or substance containing marihuana. Defendant
26 further admits that the conspiracy involved the shipment of at least 904.6 kilograms of
27 marihuana to the Chicago area. Defendant further admits that all of the U.S. currency
28

1 described above was the proceeds of the same Conspiracy to Manufacture and Distribute
2 Marihuana.

3 The parties agree that the Court may consider additional facts contained in the
4 Presentence Report (subject to standard objections by the parties) and/or that may be
5 presented by the United States or Defendant at the time of sentencing, and that the factual
6 statement contained herein is not intended to limit the facts that the parties may present to
7 the Court at the time of sentencing.

8 **9. Sentencing Factors.** The parties agree that the following Sentencing
9 Guidelines provisions apply to this case:

10 a. A base offense level of 28 under 2D1.1(c)(7) because the
11 Defendant's participation in the offense involved 904.6 kilograms of marihuana based on
12 the weight of the shipped and seized marihuana; and

13 b. A three-level decrease under USSG § 3E1.1(a) for acceptance of
14 responsibility, as further described in Paragraph 11.

15 The parties agree they are free to present arguments regarding the applicability of
16 all other provisions of the United States Sentencing Guidelines. Defendant understands,
17 however, that at the time of sentencing, the Court is free to reject these stipulated
18 adjustments, and is further free to apply additional downward or upward adjustments in
19 determining Defendant's Sentencing Guidelines range.

20 **10. Acceptance of Responsibility.** At sentencing, *if* the Court concludes
21 Defendant qualifies for a downward adjustment acceptance for acceptance of
22 responsibility pursuant to USSG § 3E1.1(a) and Defendant's offense level is 16 or
23 greater, the United States will make the motion necessary to permit the Court to decrease
24 the total offense level by three (3) levels pursuant to USSG §§ 3E1.1(a) and (b), because
25 Defendant has assisted the United States by timely notifying the United States of
26 Defendant's intention to plead guilty, thereby permitting the United States to avoid
27 preparing for trial and permitting the Court to allocate its resources efficiently.

1 **11. Agreed Recommendation Regarding Imprisonment.** Pursuant to
2 Federal Rule of Criminal Procedure 11(c)(1)(B), the parties each agree to recommend
3 that the appropriate term of imprisonment to be imposed by the Court at the time of
4 sentencing is no longer than a term of 36 months. Defendant understands that this
5 recommendation is not binding on the Court and the Court may reject the
6 recommendation of the parties and may impose any term of imprisonment up to the
7 statutory maximum penalty authorized by law. Defendant further understands that
8 Defendant cannot withdraw a guilty plea simply because of the sentence imposed by the
9 Court. Except as otherwise provided in this Plea Agreement, the parties are free to
10 present arguments regarding any other aspect of sentencing.

11 **12. Forfeiture.** The Defendant understands that the forfeiture of property is
12 part of the sentence that must be imposed in this case. The Defendant agrees to forfeit to
13 the United States immediately his right, title, and interest in any property that facilitated
14 and/or constitutes proceeds of his commission of Conspiracy to Manufacture and
15 Distribute Marihuana. All such property is forfeitable pursuant to Title 21, United States
16 Code, Section 853.

17 The Defendant agrees to fully assist the United States in the forfeiture of any
18 forfeitable property and to take whatever steps are necessary to pass clear title to the
19 United States, including but not limited to: surrendering title and executing any
20 documents necessary to effect forfeiture; assisting in bringing any property located
21 outside the United States within the jurisdiction of the United States; and taking whatever
22 steps are necessary to ensure that property subject to forfeiture is not sold, disbursed,
23 wasted, hidden, or otherwise made unavailable for forfeiture. The Defendant agrees not
24 to file a claim to any of this property in any federal forfeiture proceeding, administrative
25 or judicial, that may be or has been initiated, or to otherwise contest any federal forfeiture
26 proceeding that may be or has been initiated. The Defendant also agrees he will not assist
27 any party who may file a claim to this property in any federal forfeiture proceeding.
28

1 The United States reserves its right to proceed against any remaining property not
2 identified in this Plea Agreement, in which the Defendant has any interest, if that
3 property facilitated and/or constitutes proceeds of his commission of Conspiracy to
4 Manufacture and Distribute Marihuana.

5 13. **Abandonment of Contraband.** The Defendant also agrees that, if any
6 federal law enforcement agency seized any illegal contraband that was in his direct or
7 indirect control, he consents to the federal administrative disposition, official use, and/or
8 destruction of that contraband.

9 14. **Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,
10 the United States Attorney's Office for the Western District of Washington agrees not to
11 prosecute Defendant for any additional offenses known to it as of the time of this Plea
12 Agreement based upon evidence in its possession at this time, and that arise out of the
13 conduct giving rise to this investigation. In this regard, Defendant recognizes the United
14 States has agreed not to prosecute all of the criminal charges the evidence establishes
15 were committed by Defendant solely because of the promises made by Defendant in this
16 Plea Agreement. Defendant agrees, however, that for purposes of preparing the
17 Presentence Report, the United States Attorney's Office will provide the United States
18 Probation Office with evidence of all conduct committed by Defendant.

19 Defendant agrees that any charges to be dismissed before or at the time of
20 sentencing were substantially justified in light of the evidence available to the United
21 States, were not vexatious, frivolous or taken in bad faith, and do not provide Defendant
22 with a basis for any future claims under the "Hyde Amendment," Pub. L. No. 105-119
23 (1997).

24 15. **Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that, if
25 Defendant breaches this Plea Agreement, the United States may withdraw from this Plea
26 Agreement and Defendant may be prosecuted for all offenses for which the United States
27 has evidence. Defendant agrees not to oppose any steps taken by the United States to
28 nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea

1 Agreement. Defendant also agrees that, if Defendant is in breach of this Plea Agreement,
2 Defendant has waived any objection to the re-institution of any charges that previously
3 were dismissed or any additional charges that had not been prosecuted.

4 Defendant further understands that if, after the date of this Agreement, Defendant
5 should engage in illegal conduct, or conduct that violates any conditions of release or the
6 conditions of confinement (examples of which include, but are not limited to, obstruction
7 of justice, failure to appear for a court proceeding, criminal conduct while pending
8 sentencing, and false statements to law enforcement agents, the Pretrial Services Officer,
9 Probation Officer, or Court), the United States is free under this Plea Agreement to file
10 additional charges against Defendant or to seek a sentence that takes such conduct into
11 consideration by requesting the Court to apply additional adjustments or enhancements in
12 its Sentencing Guidelines calculations in order to increase the applicable advisory
13 Guidelines range, and/or by seeking an upward departure or variance from the calculated
14 advisory Guidelines range. Under these circumstances, the United States is free to seek
15 such adjustments, enhancements, departures, and/or variances even if otherwise
16 precluded by the terms of the Plea Agreement.

17 **16. Waiver of Appellate Rights and Rights to Collateral Attacks.**

18 Defendant acknowledges that, by entering the guilty plea(s) required by this plea
19 agreement, Defendant waives all rights to appeal from Defendant's conviction, and any
20 pretrial rulings of the Court, and any rulings of the Court made prior to entry of the
21 judgment of conviction. Defendant further agrees that, provided the Court imposes a
22 custodial sentence that is within or below the Sentencing Guidelines range (or the
23 statutory mandatory minimum, if greater than the Guidelines range) as determined by the
24 Court at the time of sentencing, Defendant waives to the full extent of the law:

25 a. Any right conferred by Title 18, United States Code, Section 3742,
26 to challenge, on direct appeal, the sentence imposed by the Court, including any fine,
27 restitution order, probation or supervised release conditions, or forfeiture order (if
28 applicable); and

1 b. Any right to bring a collateral attack against the conviction and
2 sentence, including any restitution order imposed, except as it may relate to the
3 effectiveness of legal representation; and

4 This waiver does not preclude Defendant from bringing an appropriate motion
5 pursuant to 28 U.S.C. § 2241, to address the conditions of Defendant's confinement or
6 the decisions of the Bureau of Prisons regarding the execution of Defendant's sentence.

7 If Defendant breaches this Plea Agreement at any time by appealing or collaterally
8 attacking (except as to effectiveness of legal representation) the conviction or sentence in
9 any way, the United States may prosecute Defendant for any counts, including those with
10 mandatory minimum sentences, that were dismissed or not charged pursuant to this Plea
11 Agreement.

12 17. **Voluntariness of Plea.** Defendant agrees that Defendant has entered into
13 this Plea Agreement freely and voluntarily, and that no threats or promises were made to
14 induce Defendant to enter a plea of guilty other than the promises contained in this Plea
15 Agreement or set forth on the record at the change of plea hearing in this matter.

16 18. **Statute of Limitations.** In the event this Plea Agreement is not accepted
17 by the Court for any reason, or Defendant breaches any of the terms of this Plea
18 Agreement, the statute of limitations shall be deemed to have been tolled from the date of
19 the Plea Agreement to: (1) thirty (30) days following the date of non-acceptance of the
20 Plea Agreement by the Court; or (2) thirty (30) days following the date on which a breach
21 of the Plea Agreement by Defendant is discovered by the United States Attorney's
22 Office.

23 //

24 //

25 //

26 //

27 //

28 //

19. **Completeness of Agreement.** The United States and Defendant acknowledge that these terms constitute the entire Plea Agreement between the parties, except as may be set forth on the record at the change of plea hearing in this matter. This Agreement binds only the United States Attorney's Office for the Western District of Washington. It does not bind any other United States Attorney's Office or any other office or agency of the United States, or any state or local prosecutor.

Dated this 2nd day of February, 2022.

s/Thomas D. Coe on behalf of Guolong Li

GUOLONG LI
Defendant

s/Thomas D. Coe

THOMAS COE
Attorney for Defendant

VINCENT T. LOMBARDI
Assistant United States Attorney

NICHOLAS MANHEIM
Assistant United States Attorney